

REMARKS

I. Status of Application

Claims 1-2, 4, 9-11, 17 and 27-37 are all the claims pending in the present Application.

Applicant thanks the Examiner, and his Supervisor, for the courteous in-person Interview of January 10, 2008. An Examiner's Interview Summary Record (PTO-413) was provided to the Applicant after the Interview. The PTO-413 requires Applicant to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the Interview, claims 1 and 9 were discussed in view of Berger (U.S. Pat. No. 6,414,693) and Goldstein (U.S. Pub. No. 2001/0032115). Specifically, with regard to claim 1, the Examiner agreed that neither Berger or Goldstein, together or in combination, teach or suggest "said received submission processing unit **classifying said attached correction** data based on the additional personal information of the specific user recited in said received electronic submission **and registering said correction data** in said data base **based on the classification results.**" Instead, as discussed during the Interview, the data-mining operation of Berger (the alleged classification operation) occurs **after** the survey responses (the alleged correction data) are stored in the system. As such, Goldstein cannot teach, or even suggest, **"registering said correction data in said data base based on the classification results."**

Further, with regard to claim 9, this claim was discussed in view of the same references as above. With regard to claim 9, the Examiner agreed that Berger teaches away from the proposed combination with Goldstein.

II. Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 4, 9-11, 17, 27-31 and 35-37 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berger et al. (U.S. Patent No. 6,414,693) in view of Goldstein (U.S. Patent Publication No. 2001/0032115). Applicant respectfully disagrees.

Independent Claim 1

With respect to Berger, this reference is directed to a system for generating computer displays of custom bag designs. More specifically, the Berger system allows a user to create a bag that includes a customized name, logo or other promotional graphic. (See Col. 1, 11. 13-15). Berger discloses that previous systems contained a problem in that only a limited amount of customization was possible, and that the user had difficulty viewing the bag as it would actually look once customized for that user. (See Col. 1, 11. 45-55). To overcome this problem, the Berger system provides the user with the ability to manipulate various views of the customized design and also provides a utility for additional customization of the bag.

With respect to Goldstein, this reference relates to the field of market analysis and public opinions. More specifically, Goldstein is directed to collecting consumer data through surveys, polls and opinions.

With respect to claim 1, Applicant respectfully asserts that neither Berger or Goldstein, together or in combination, teach or suggest, at least “classifying said attached correction data based on the additional personal information of the specific user... and registering said correction data in said data base based on the classification results.”

The Examiner asserts that Goldstein teaches “classifying said attached correction data based on the additional personal information” because Goldstein allows the consumer to sort the

surveys by gender or geographic region totals, i.e. a data-mining operation. Applicant respectfully disagrees.

As discussed during the Interview of January 10, 2007, the “data-mining operation” of Goldstein occurs **after** the user has completed the survey and has submitted it. As such, the survey response (the alleged correction data) is already registered with the system. It is only **after** the survey response is registered that a third party user (for example a manufacturer) can initiate a data-mining operation to search through the survey data. For at least this reason, Goldstein cannot teach registering the user-submitted correction data “**based on the classification results.**” As such, Applicant respectfully asserts that claim 1 is allowable over the cited art of record.

With regard to claims 2, 4, 10, 27, 28 and 35 these claims depend from independent claim 1. As such, Applicant respectfully asserts that these claims are allowable at least by virtue of their dependency from claim 1.

Independent Claim 9

With respect to independent claim 9, Applicant respectfully asserts that neither Berger, or Goldstein, together or in combination, teach or suggest, at least “an information entry selecting means allowing a user to, **enter design information without downloading public design data,** or request transfer of said public design data from the design data publicizing processing unit to the user together with an editing program file.”

In the present Office Action, the Examiner asserts that the “surveys” of Goldstein correspond to “entering design information without downloading public design data,” and that it would be obvious for one of ordinary skill in the art to combine this feature with the teachings of

Berger because “giving a member more options, for example answering a survey ... would facilitate member interaction with customers.” (See Office Action, page 7). Applicant respectfully disagrees.

As described above, Berger was directed to overcoming several problems known in the art of electronic shopping for customized bag designs. One of the problems existing in the prior art, as disclosed in Berger, is that previous methods of electronic shopping did not provide the consumer with the ability to view the customized product together with the desired designs selected by the user. In other words, prior to Berger a customer who selected a customized design may not have been entirely satisfied with the design as it actually appeared on the finished product, due to the lack of ability to accurately view the design before purchasing the custom bag. In fact, one of the supposedly unique features of Berger is the ability to provide the user with an accurate representation of the design, as it will appear on the finished product.

In the present Office Action, the Examiner asserts that instead of viewing the customized design, one option would be for the user to simply answer survey questions and thereby describe the design the user desires. In light of the above discussion, this is simply incorrect. In fact, including the survey feature of Goldstein into Berger, as suggested by the Examiner, would recreate the same problems Berger was supposedly designed to overcome. That is, the user may not get the exact bag the user desires.

It is well known that “[i]t is improper to combine references where the references teach away from their combination.” *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). For at least this reason, Applicant respectfully asserts that independent claim 9 is allowable over the cited art of record.

Independent Claim 11

Applicant's independent claim 11 is a method claim and is distinguished over Berger for reasons analogous to those recited for claim 1. Further, claims 29, 30 and 36 depend from independent claim 11 and are therefore allowable at least by virtue of their dependency on claim 11.

Independent Claim 17

Applicant's independent claim 17 is an apparatus claim and is distinguished over Berger for reasons analogous to those recited with respect to claim 1. With regard to claims 31 and 37, these claims depend from independent claim 17. As such, Applicant respectfully asserts that claims 31 and 37 are allowable at least by virtue of their dependency from claim 17.

With regard to claims 32-34, the Examiner has rejected these claims under 35 U.S.C. § 103(a) as allegedly being unpatentable over Berger, in view of Goldstein. Applicant respectfully disagrees.

Claims 32-34 depend from independent claims 1, 11 and 17 respectively. As such, Applicant respectfully asserts that claims 32-34 are allowable at least by virtue of their respective dependencies.

III. Conclusion

In view of the above, reconsideration and allowance of this Application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS).

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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